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Approved:
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TOWN OF BURLINGTON, MA
PLANNING BOARD MINUTES
FEBRUARY 2, 2023

- Board Members Present:** Chairman Brenda Rappaport; Vice Chairman Barbara G. L'Heureux; Joseph A. Impemba; Jessica Sutherland; and Toni Ann Natola
- Board Members Absent:** Clerk William Gaffney, and Ernest E. Covino
- Staff Members Present:** Elizabeth Bonventre, Planning Director, and Caleb Zimmerman, Assistant Planner

1. Call the Meeting of the Planning Board to Order

Chairman Rappaport called the meeting to order at 6:31 PM. The Town of Burlington will be holding the February 2, 2023 meeting of the Planning Board as a hybrid meeting due to the current State of emergency due to the Covid-19 virus. As such, the Governor issued an executive order on March 12, 2020 authorizing remote meetings under G.L c. 30A Section 20 and extended by Chapter 22 of the Acts of 2022, including permitting remote meetings and participation, until March 31, 2023.

Ms. Bonventre stated that the option for remote participation via WebEx is being provided as a courtesy to the public. The public can join the meeting via the WebEx link posted on the Town's website, or they can call in by dialing 617-315-0704. The meeting is being broadcast live on BCAT, and on cable networks and residents can email questions to Planning@burlington.org or on Facebook live.

Chairman Rappaport stated that I would like to propose a set of rules governing public participation at this and at all subsequent meetings. They are as follows.

Planning Board welcomes public participation at its meetings under the following conditions:

1. Public participation on matters that are on our agenda are allowed at the time of the board's discussion on the matter. The Chair will call for comments for the public at the appropriate time. Commenters must wait to be recognized by the Chair. Each participant will be allotted two (2) minutes to speak and must restrict comments to the agenda item being discussed.
2. There will be time at the beginning of each meeting that is set aside for public comment on matters not on the current agenda. The Chair will call for comments from the public at the appropriate time. Commenters must wait to be recognized by the Chair. Each participant will be allotted 2 minutes to speak and must restrict comments to matters which are under the jurisdiction of the board. Planning Board jurisdiction includes the following:
 - a. Long-Range Planning Efforts
 - b. Parcel Rezoning Applications
 - c. Special Permit Applications
 - d. Insignificant Change Applications
 - e. Zoning Bylaw Changes



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- f. Site Plan Applications
 - g. Minor Engineering Change Applications
 - h. Preliminary and Definitive Subdivision Applications
3. Public participation must be conducted in a respectful, professional manner. Threats, incitement to imminent lawless conduct, obscenities, personal attacks, defamatory statements, and sexually explicit statements will not be tolerated.

MOTION – Vice Chairman L’Heureux made a motion to formally adopt the Public Participation Code of Conduct for the Planning Board. The motion was seconded by Member Sutherland and voted 4-0-0.

MOTION – Vice Chairman L’Heureux made a motion to take item “7.t” out of order for discussion purposes. The motion was seconded by Member Sutherland and voted 4-0-0.

7.t Continued Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.6.2.1 “Supermarket” of the Zoning Bylaws – 120 Cambridge Street – Foodland Supermarket, Inc., Applicant

MOTION – Vice Chairman L’Heureux made a motion to continue this matter to the Planning Board Meeting of February 16, 2023 at the request of the Applicant in an email dated February 1, 2023. The motion was seconded by Member Sutherland and voted 4-0-0.

MOTION – Vice Chairman L’Heureux made a motion to take item “7.o” through “7.s” out of order for discussion purposes. The motion was seconded by Member Sutherland and voted 4-0-0.

7.o Continued Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.4 “Laboratories engaged in research, experimental and testing activities including, but not limited to, the fields of, chemistry, electronics, engineering, geology, non-biologic medicine and physics” of the Zoning Bylaws – 22 Terry Avenue – AP Terry, LLC, Applicant

7.p Continued Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.4.1 “Life Science laboratories engaged in research, prototype manufacture, experimental and testing activities including, but not limited to, the fields of pharmaceuticals, biomedical technologies and engineering, life systems technologies, environmental and biomedical devices Biosafety Level 4 (BL-4) laboratories, as defined by the Centers for Disease Control and Prevention, are prohibited in Burlington” of the Zoning Bylaws – 22 Terry Avenue – AP Terry, LLC, Applicant

7.q Continued Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.4.2 “Life Science laboratories engaged in the manufacture of life science technologies and medicines for commercial production to the market including, but not limited to, the fields of pharmaceuticals, biomedical technologies and engineering, life systems technologies, environmental, biomedical devices Biosafety Level 4 (BL-4) laboratories, as defined by the Centers for Disease Control and Prevention, are prohibited in Burlington” of the Zoning Bylaws – 22 Terry Avenue – AP Terry, LLC, Applicant



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7.r Continued Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.9 “Hazardous and toxic materials/chemicals use storage, transport, disposal or discharge” of the Zoning Bylaws – 22 Terry Avenue – AP Terry, LLC, Applicant

7.s Continued Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.7.11 “Generation or storage of hazardous waste, limited to the volumes classified as a very small quantity generator (VSQG)” of the Zoning Bylaws – 22 Terry Avenue – AP Terry, LLC, Applicant

MOTION – Vice Chairman L’Heureux made a motion to continue this matter to the Planning Board Meeting of March 16, 2023 at the request of the Applicant in an email dated January 30, 2023. The motion was seconded by Member Sutherland and voted 4-0-0.

Member Impemba arrived at the Planning Board meeting at 6:38 PM.

2. Public Participation Time

There were no citizen’s coming forward.

3. Announcements

Ms. Bonventre read the announcements. Representative-elect Kristin Kassner (former Planning Director) will be sworn into the Massachusetts House of Representatives tomorrow. Last night was the Blanchard/Wheeler Road Visioning Public Meeting. We will be collecting information from the first public meeting and will be keeping everyone posted about the next meeting later in the spring. The Board of Health will be having a Subcommittee Meeting on February 6, 2023 at 2:00 PM via Webex, where they will be updating their Hazardous Materials Regulations. The Zoning Bylaw Review Committee will meet on February 8, 2023 at 6:30 PM via Zoom. All town offices will be closed on Presidents Day (February 20, 2023).

4. Legal Notices of Interest

There were no legal notices.

5. Non-Approvals

There were no non-approvals.

6. Administrative Matters

6.a Discussion – Request for an Extension of Time for a Site Plan Approval – 75 Middlesex Turnpike (Lord & Taylor) – LT Burlington Leasehold LLC., Applicant

Ms. Bonventre stated that last year we approved a Site Plan for Lord & Taylor, who went out of business. Their parent company, Hudson Bay Company, is looking to reposition the property. They are seeking an extension so they can begin work this year, and they just applied for their building permit this week.

MOTION – Vice Chairman L’Heureux made a motion that the Planning Board hereby grants a one (1) year extension of time from February 2, 2023 to February 2, 2024 to complete the required Site Plan



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improvements at 75 Middlesex Turnpike (Lord & Taylor), as requested by the Applicant in an email dated January 13, 2023. The motion was seconded by Member Sutherland and voted 5-0-0.

6.b Discussion – Application for Approval of a Minor Engineering Change – 75 Middlesex Turnpike (Burlington Mall) – Common Craft, Applicant

Larry Leibowitz of Common Craft appeared for the application.

Ms. Bonventre stated that Common Craft was permitted in 2020 as part of the redevelopment of the Sears portion of the Burlington Mall. They're looking to expand their exterior patio space onto some of the green area that was built as part of the redevelopment.

Mr. Leibowitz stated that the green space is an open area that I have activated in the past with special events that were theme-based. There was some positive feedback, and it certainly created a lot of texture and business enjoyment for that area of the mall. I'm proposing to enclose that area with a fence so that I can be ABCC compliant. I've already received permission from the landlord to take on that space.

Chairman Rappaport asked if that space is now included in your lease. Mr. Leibowitz replied yes.

Member Impemba asked if there will be staff present out there all the time. Mr. Leibowitz replied yes.

Vice Chairman L'Heureux asked if the fence is black wrought iron. Mr. Leibowitz replied that it's black aluminum that matches the existing fence there.

Member Impemba suggested planting trees instead of shrubs to give the area some dimension and depth. Mr. Leibowitz replied that he was open to planting three trees.

Vice Chairman L'Heureux stated that we should put into the decision that there will be no advertising on umbrellas or awnings, as well as no television outside.

MOTION – Vice Chairman L'Heureux made a motion to close the public hearing on this matter. The motion was seconded by Member Sutherland and voted 5-0-0.

MOTION – Vice Chairman L'Heureux made a motion to approve the request of the Simon Property Group ("Property Owner") for approval of a Minor Engineering Change for property located 75 Middlesex Turnpike, Common Craft Brewery, ("Premises") to allow for extension of leased premise to include green space in front of Common Craft Restaurant with a fenced enclosure as reflected on the redlined site plan entitled "Proposed Common Craft Restaurant," prepared by VHB, dated May 29, 2020 consisting of one (1) sheet and a redlined aerial image entitled "Proposed fencing for green space outside Common Craft" received February 1, 2023 prepared by Larry Leibowitz consisting of one (1) sheet and subject to the following revisions, terms, and conditions as amended. The motion was seconded by Member Sutherland and voted 5-0-0.



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7. Matters of Appointment

7.a Public Hearing – Application for Approval of a Special Permit pursuant to Section 4.2.6.20.1 “Massage Therapy” of the Zoning Bylaws – 125 Cambridge Street – Jing Sheng, LLC., Applicant

Xiuli Cui, and Wendy Crandall appeared for the application.

Ms. Bonventre stated that we received a copy of the applicant’s massage therapy license, and she is currently licensed in the state. The site is right next to the entrance to the high school, and she’s going to be occupying a tenant space within the property that previously had a massage therapy business in it. The Property Owner needs to reach out to the Building Department regarding ADA Parking Spaces. Staff has no concerns with this application.

Chairman Rappaport asked the applicant if it will just be you as a massage therapist or will you have employees. Ms. Xiuli Cui replied that she is undecided about additional staff.

Ms. Bonventre stated that the applicant had previously run a massage therapy studio in Middleton, and so this is not a new business model for her.

Member Impemba asked if the Middleton location is still in operation. Ms. Xiuli Cui replied no. Member Impemba then asked how long did you operate that location. Ms. Xiuli Cui replied six years.

Ms. Crandall stated that the property owner was trying to be here in-person but got stuck in traffic and so he asked if I could read the following: “I decided to let her use my unit because I had impressions that her service and honesty would help us in our community. I hope she has success with her business, and I know she will be a great asset to the community.”

Margarette Poillucci – Ms. Poillucci stated that she lives directly across the street from where this unit is going in, and asked if there is more parking in the back of this building. Ms. Crandall replied yes. Ms. Poillucci then asked if there is an age limitation because we have high schoolers right next door and is concerned. Chairman Rappaport replied I don’t believe so. Member Impemba stated that we ran into this before, and they wouldn’t do it unless the parent was there with them and stayed the whole time.

MOTION – Vice Chairman L’Heureux made a motion to close the public hearing on this matter. The motion was seconded by Member Sutherland and voted 5-0-0.

MOTION – Vice Chairman L’Heureux made a motion to approve a Special Permit pursuant to Section 4.2.6.20.1 “Massage Therapy” of the Town of Burlington Zoning Bylaws, to permit the operation of a spa with massage therapy within an existing tenant space to be known as Jing Sheng Wellness, for property located in the Business Limited (BL) and Central Business (CBD) Districts at 125 Cambridge Street subject to the terms and conditions contained in exhibit “A” attached. The motion was seconded by Member Sutherland and voted 5-0-0.



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MOTION – Member Impemba made a motion to take items “7.b,” through “7.e” together for discussion purposes. The motion was seconded by Vice Chairman L’Heureux and voted 5-0-0.

7.b Public Hearing - Application for Approval of a Special Permit pursuant to 4.2.7.1 “Light manufacturing or processing plants, prototype manufacturing” of the Zoning Bylaws – 6-8 Adams Street – 21st Century Concrete, Inc., Applicant

7.c Public Hearing - Application for Approval of a Special Permit pursuant to 4.2.7.9 “Hazardous and toxic materials/chemicals use storage, transport, disposal or discharge” of the Zoning Bylaws – 6-8 Adams Street – 21st Century Concrete, Inc., Applicant

7.d Public Hearing - Application for Approval of a Special Permit pursuant to 6.1.1 “Nonconforming Uses” of the Zoning Bylaws – 6-8 Adams Street – 21st Century Concrete, Inc., Applicant

7.e Public Hearing - Application for Approval of a Special Permit pursuant to 6.1.2 “Nonconforming Structures and Premises” of the Zoning Bylaws – 6-8 Adams Street – 21st Century Concrete, Inc., Applicant

Attorney Thomas Murphy; Luke Clemente (attending remotely), Carl Clemente, and Maria Clemente of 21st Century Concrete, Inc.; and W. Minot Wood, Engineer appeared for the application.

Attorney Murphy stated that the site is right off Middlesex Turnpike on Adam Street going towards Lexington. It’s currently owned by the Perkins Construction Company, and the site has had several previous owners in the sand and gravel business dating back to the 1940s. The Perkins Company came before this Board in 2006 and received a Special Permit and Site Plan approval. Mr. Perkins has got to the point where he's looking to retire and has reached an agreement to sell the business to my client: 21st Century Concrete, Inc. This property plus another property that Mr. Perkins owns in Hudson, Massachusetts is also included in the sale. By the language contained in the 2006 decision, if a subsequent owner was coming in they had to come before this Board to get their own Special Permit (it couldn’t be assigned without the permission of this Board). By way of background, 21st Century Concrete is part of a family-run business that dates back to 1915. Carmine Clemente came over from Italy, and started the business in Troy, New York. It’s currently run by his great grandchildren and his great-great grandchildren. They have facilities in Massachusetts, New York, Connecticut, and Vermont, and they operate under several different corporate entities. They have a very good reputation and are certainly not a fly-by-night operation. The intent is to step into Mr. Perkins’ shoes and continue to operate the business in the same manner. They are not looking to expand, do any site work, construction, etc. I’ve received several emails from Lexington abutters with concerns that perhaps the business was expanding, and I want to assure you that is not the intent. I also want to note that several of the same workers employed by Mr. Perkins are staying on site. There haven’t been a lot of complaints about the way the Perkins Company has been operating the business down there.



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Ms. Bonventre stated that, from an administrative standpoint, we're looking at just a change of ownership and a change of the name on the Special Permit. Other departments, including the Board of Health, have had no complaints about this company. The Board of Health does annual inspections of the site because they do have products that are considered hazardous, and so every year they tour the site and they have not had any issues / violations. The applicant has read the 2006 Special Permit and will abide by it.

Mr. Wood stated that the hazardous waste generated on the site consists of used motor oil and we're classified by the DEP as VSQG (the smallest generator). It's the same type of oil when you change your car, and it is stored in double containment in the maintenance garage. When there's enough, it's picked up by a licensed recycler. There are so-called chemicals that are additives to the concrete. Concrete is a mixture of aggregate sand, water, and cement, and those admixtures reduce the amount of new freshwater that you need to make the concrete. Sand and stone are trucked into the site from a facility in Sterling, stockpiled, put into the concrete plant, and dumped into a truck in an enclosed facility that captures all the dust. Water and cement are then added, and the truck leaves and delivers the concrete to your driveway, backyard, patio, etc.

Vice Chairman L'Heureux asked how the hazardous chemicals are disposed of. Mr. Wood replied that they're not disposed of, rather they go into the concrete. Vice Chairman L'Heureux then asked what the hours of operation are. Mr. Wood replied 7 AM – 5 PM, Monday through Saturday (and an option to open on Sundays).

Member Impemba asked if all of the mixing happens in a contained area. Mr. Wood replied that the deposit of the materials into the truck is in a contained area. Mr. Wood noted that none of the trucks are maintained or stored in Burlington.

Member Impemba asked if you're going to grind or crush on site. Mr. Wood replied twice per year for four weeks. Member Impemba then asked if there is water mixed in to keep dust down. Mr. Wood replied yes, we have a retention pond. No water leaves the site and everything stays on the site which will go into the retention pond.

Member Sutherland asked if there are a similar number of employees. Mr. Carl Clemente replied yes.

Mehul Mehta of 5 Granger Pond Way, Lexington, MA – Mr. Mehta opened by stating that he has been an abutter to the site since 1997. Mr. Mehta continued by stating that in 2006 a lot of Lexington residents got together, and you heard us, you acted, and you put down what was a pretty exhaustive set of stipulations that made it a much more acceptable but not optimal. What we would like to appeal to the Board is for you to take action because what we are more concerned about is the water system, what's going out and what's going in. If this is to go ahead, we want to make sure there is environmental stewardship. We're not being unreasonable as neighbors, but we want to be safe and last time we were very grateful that you did hear us, and that you did take action. We want that action contemporized.

Chairman Rappaport asked if the applicant has had any violations at any of their other facilities in the surrounding states. Mr. Carl Clemente replied that if you run any business in this world, you're going to have a violation. I can provide information at the next meeting.



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Deepika Sawhney of 6 Porter Lane, Lexington, MA – Ms. Sawhney stated that she is a Town Meeting Member in Lexington, and my precinct covers a large part of Vine Brook which then flows into Butterfield Pond. Ms. Sawhney then asked what the source of the water is. Mr. Wood replied that no water leaves the site and it's all contained on the site. The source is potable water. Ms. Sawhney then requested to have partnership and to talk with Lexington's Conservation Commission and Town Administration so that there's no negative impact.

Jim Shao of 3 Granger Pond Way, Lexington, MA – Mr. Shao stated that I have experienced a lot of noise, especially during the summer months. Mr. Wood replied that the site is flat and so a lot of noise carries even across from Middlesex Turnpike, the shopping mall, as well as construction on Lowell St. and the office buildings on the hill above us. Mr. Shao then asked if you are planning to keep the same production rate. Mr. Wood replied that it's up and down, but there's a maximum that they can do. The trucks won't increase because each truck holds a certain amount of concrete and we're limited to a maximum amount of concrete that we can produce.

Andrew Cohen of 658 Lowell St., of Lexington, MA – Mr. Cohen stated that I'd like to echo a lot of concerns I have heard tonight (i.e., noise). I'm hoping that there's a governing body that is conducting proper oversight to make sure that today's concerns are being addressed by this old permit. One of the concerns I have is that there's a lot of particulate that's on the ground there and it could easily wash into the Butterfield Pond. I understand that you have a retention basin, but with the climate changing, we're getting a lot of heavy rain that creates a tremendous amount of runoff, and so I'm curious if there's any way to contain that kind of flooding. Mr. Wood replied that the stockpiles are at least 100 feet. We made a deep demarcation line 100 feet from the existing wetlands when we did site improvements. We've revegetated 1,000 feet of riverfront area and gave up 2.5 acres of useable land. That is all vegetated buffer if the water got that far. There's also a berm (4-6 feet high above the ground) at Butterfield Pond. Mr. Wood reiterated that no water leaves the site. Mr. Cohen asked if you do any measurement regarding the turbidity in the pond. Vice Chairman L'Heureux replied that we could ask our Conservation Commission if there's some way for us to test the water in the pond. Mr. Cohen then asked if there is a way to make the site inspection information transparent for the residents, because my biggest concern is that without proper oversight we don't know if we're quietly being harmed by something. Ms. Bonventre replied that the Board of Health has hazardous material registration forms, and those are all public documents that you can request from them anytime. Member Impemba also suggested that you reach out to Lexington's Board of Health for any additional information.

Chairman Rappaport stated that I would like to walk the site during operation and look at what the retention basin looks like (and maybe get photographs for the public) if that's agreeable with you.

Member Impemba stated that I'm a little more concerned about the grinding periods and maybe some sort of oversight from a third party is needed because if, during the process, it isn't wet down enough, that stuff all goes airborne.



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Sameer Sharma of 664 Lowell St., of Lexington, MA – Mr. Sharma stated that the last permit was approved 17 years ago in 2006, and asked what the long-term vision for Burlington and Lexington 17 years is from now. Mr. Sharma also stated that since the Board of the Health does a yearly inspection and that some materials run off from the site, what is the trajectory of that over the previous 17 years (i.e., are we seeing consistent results like nothing is wrong or are we seeing silica dust gradually increase in the environment).

Ms. Bonventre stated that there is a trail that comes almost to the Burlington line from Lexington that gets close to the Minuteman Bike Trail, and there's a lot of desire in town to make that connection. I have asked Attorney Murphy if he could speak to his client (21st Century Concrete) about providing us with an easement along the frontage of the site to potentially have a sidewalk / mixed-use path.

MOTION – Vice Chairman L'Heureux made a motion to continue this public hearing to Planning Board meeting of February 16, 2023. The motion was seconded by Member Sutherland and voted 5-0-0.

MOTION – Vice Chairman L'Heureux made a motion to take items “7.f,” through “7.n” together for discussion purposes. The motion was seconded by Member Sutherland and voted 5-0-0.

7.f Public Hearing - Application for Approval of a Special Permit pursuant to 4.2.7.4

“Laboratories engaged in research, experimental and testing activities including, but not limited to, the fields of, chemistry, electronics, engineering, geology, non-biologic medicine and physics” of the Zoning Bylaws – 15 Burlington Mall Road (a/k/a 5 Burlington Woods Drive)– 5 Burlington Woods, LLC, Applicant

7.g Public Hearing - Application for Approval of a Special Permit pursuant to 4.2.7.4.1 “Life Science laboratories engaged in research, prototype manufacture, experimental and testing activities including, but not limited to, the fields of pharmaceuticals, biomedical technologies and engineering, life systems technologies, environmental and biomedical devices Biosafety Level 4 (BL-4) laboratories, as defined by the Centers for Disease Control and Prevention, are prohibited in Burlington.” of the Zoning Bylaws – 15 Burlington Mall Road (a/k/a 5 Burlington Woods Drive)– 5 Burlington Woods, LLC, Applicant

7.h Public Hearing - Application for Approval of a Special Permit pursuant to 4.2.7.4.2 “Life Science laboratories engaged in the manufacture of life science technologies and medicines for commercial production to the market including, but not limited to, the fields of pharmaceuticals, biomedical technologies and engineering, life systems technologies, environmental, biomedical devices Biosafety Level 4 (BL-4) laboratories, as defined by the Centers for Disease Control and Prevention, are prohibited in Burlington.” of the Zoning Bylaws – 15 Burlington Mall Road (a/k/a 5 Burlington Woods Drive)– 5 Burlington Woods, LLC, Applicant

7.i Public Hearing - Application for Approval of a Special Permit pursuant to 4.2.7.9 “Hazardous and toxic materials/chemicals use storage, transport, disposal or discharge” of the Zoning Bylaws – 15 Burlington Mall Road (a/k/a 5 Burlington Woods Drive)– 5 Burlington Woods, LLC, Applicant



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7.j Public Hearing - Application for Approval of a Special Permit pursuant to 4.2.7.12 “Generation or storage of hazardous waste, in excess of the volumes classified as a very small quantity generator (VSQG)” of the Zoning Bylaws – 15 Burlington Mall Road (a/k/a 5 Burlington Woods Drive)– 5 Burlington Woods, LLC, Applicant

7.k Public Hearing - Application for Approval of a Special Permit pursuant to 4.3.2.15 “Storage and disposal of oils and fuels/ petroleum products” of the Zoning Bylaws – 15 Burlington Mall Road (a/k/a 5 Burlington Woods Drive)– 5 Burlington Woods, LLC, Applicant

7.l Public Hearing - Application for Approval of a Special Permit pursuant to 4.4.1.11 “Discharges from manmade structures into the wetlands” of the Zoning Bylaws – 15 Burlington Mall Road (a/k/a 5 Burlington Woods Drive)– 5 Burlington Woods, LLC, Applicant

7.m Public Hearing - Application for Approval of a Special Permit pursuant to 6.1.2 “Nonconforming Structures and Premises” of the Zoning Bylaws – 15 Burlington Mall Road (a/k/a 5 Burlington Woods Drive)– 5 Burlington Woods, LLC, Applicant

7.n Public Hearing - Application for Approval of a Site Plan – 15 Burlington Mall Road (a/k/a 5 Burlington Woods Drive) – 5 Burlington Woods, LLC, Applicant

Attorney Mark Vaughn from Riemer & Braunstein, Michael Manship from Vivo Architecture, Robin Dorogusker, Brad Pennington (attending remotely) and Dave Robinson from Allen & Major Associates, appeared for the application.

Attorney Vaughn stated that this is a property that I think you're all familiar with and probably drive by weekly. It's a property that's right at the corner of Burlington Woods Drive and Burlington Mall Road, and was built back in the early 1980s. My client, Montana Avenue Capital Partners, had an opportunity to purchase the building, and are very excited about the ability to repurpose this building for life science and lab use. The footprint of the building is staying the same (no significant changes), and is 105,000 square feet. We are proposing to infill some of the structured parking with storage areas and whatnot, which would be consistent with what you would see with a life science and a lab operation. We also propose having a loading dock in the corner of the building, landscaping improvements within the site, and some pedestrian improvements as well. There's somewhat of a missing link of sidewalk from Mall Road down to Woods Drive. We did have an opportunity to meet with the Board of Health to make sure that they were comfortable with the operation.

Mr. Pennington stated that Montana Avenue Capital Partners is an investment firm, and we focus solely on real estate investments. I work in the San Diego and Boston markets, which is the bulk of our life science holdings in our portfolio. We have quite a deep resume of experience and hope to be an asset to the community of Burlington going forward.

Mr. Robinson stated that the major addition is a 1,200 square foot loading dock in the corner of building. In addition, we also have some utility rooms that are going to be beneath the building. The loading dock recesses four feet so that trucks can back in and be at the same level. There's a trench drain proposed at the



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bottom to accommodate any runoff (treated by a grid separator). Additionally, we're bringing in a gas line running north to south from Mall Road, some electrical upgrades, and for landscaping we proposed four tiers of screening including trees, sky pencil plants between the loading dock and the northern portion of Mall Road. There is a net decrease in impervious on-site and we're also proposing a couple of additional landscaped islands on the existing pavement areas. One of the comments was to provide a safe pedestrian crossing parallel to Mall Road. There are two existing ADA ramps on either side of Woods Drive that need to be rebuilt / realigned to make it as safe as possible for pedestrians.

Attorney Vaughn and Mr. Manship stated that the intent would be to have multiple tenants.

Chairman Rappaport asked how many square feet each floor is. Mr. Manship replied about 35,000 square feet.

Ms. Bonventre stated that the Conservation Commission will be hearing this at its February 9, 2023 meeting. To talk about at the next meeting, our previous traffic safety officer stated that the intersection turning into Woods Drive and is extremely dark at night and is a safety concern.

Member Sutherland inquired about parking on the site. Attorney Vaughn replied that we're losing about 44 parking spaces, and we are incorporating some landscape Islands.

Vice Chairman L'Heureux stated that we have had other businesses come to us, and after they have been operating for some time, wanted to incorporate an additional external building for hazardous waste storage, which is something we do not want. Vice Chairman L'Heureux asked that they provide their plan for the next meeting. Mr. Manship replied that some space that we are adding underneath the building will be for storage.

Ms. Bonventre asked the applicant to look into adding a pedestrian refuge spot because the Woods Drive entrance is very wide and when you're a pedestrian walking there it's uncomfortable when you just have an empty roadway.

MOTION – Vice Chairman L'Heureux made a motion to continue this public hearing to Planning Board meeting of February 16, 2023. The motion was seconded by Member Sutherland and voted 5-0-0.

8. Minutes

MOTION – Vice Chairman L'Heureux made a motion to approve the Planning Board minutes of January 5, 2023. The motion was seconded by Member Sutherland and voted 4-0-1. Vice Chairman L'Heureux abstained from voting.

MOTION – Vice Chairman L'Heureux made a motion to approve the Planning Board minutes of November 17, 2022. The motion was seconded by Member Sutherland and voted 5-0-0.

9. Other Matters



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9.a Discussion

Public Meeting regarding Blanchard/Wheeler Bike/Ped Improvements:

Ms. Bonventre stated that the first meeting was last night, and we had great turnout, we will be providing updates on a second meeting in a few months. The links is on our social media, town calendar on Burlington.org and by emailing planning@burlington.org

Chairman Rappaport commented that a lot of the property owners were present at the meeting to collaborate with us. I stressed the need for transparency with the property owners so that we can really collaborate and make that area the best that it can be. I'm looking forward to what the future holds.

Approval of the budget:

Ms. Bonventre stated that it's a steady budget just dealing with annual salary increases. I've increased some things like subscription services for software.

Town Center Electronic Sign update:

Ms. Bonventre stated that the people at Town Meeting felt that it wasn't ready for prime time and that there needed to be more research done, and so it has been postponed.

9.b Correspondence

There was no correspondence.

9.c Reports from Town Counsel

There were no reports from Town Counsel.

9.d Subcommittee Reports

There were no Subcommittee Reports.

9.e Unfinished Business

There was no unfinished business.

9.f New Business

There was no new business.

MOTION – Vice Chairman L'Heureux made a motion to adjourn the February 2, 2023 Planning Board Meeting at 8:26 PM. The motion was seconded by Member Sutherland and voted 5-0-0.



TOWN OF BURLINGTON
PLANNING BOARD MINUTES
FEBRUARY 2, 2023

*Respectfully Submitted by Eric Bergeron,
Recording Clerk*